

REMARKS

This Amendment is submitted in response to the Office Action dated May 14, 2004. In the Office Action, the Patent Office rejected Claims 9-15 under 35 U.S.C. §102(b) as being anticipated by *Mercer* (U.S. Patent No. 5,023,959).

By the present Amendment, Applicants amended Claims 9 and 14. Applicants submit that the amendments to the application and the reasons that follow overcome the rejection made by the Patent Office and place the application in condition for allowance. Notice to that effect is requested.

With respect to the rejection of Claims 9-15 under 35 U.S.C. §102(b) as being unpatentable over *Mercer*, Applicants submit that the amendment to the claims overcome the rejection under 35 U.S.C. §102(b) and places the application in condition for allowance. Notice to that effect is requested.

In the Office Action, the Patent Office states:

See Figures 5 and 6 in which *Mercer* shows a motorized apparatus 36 for retracting a hose 12. A belted drive unit (toothed belt) 32 which includes a plurality of grooves is shown (column 3 lines 25+).

However, independent Claim 9, as amended, requires a housing having an interior defined between a first end and a second end wherein the hose retracts into the interior of the housing. Further, Claim 9 requires the first end of the hose to be fixed

at the first end of the housing wherein the hose retracts into the interior of the housing from the second end.

Independent Claim 14, as amended, requires an apparatus which has a drive unit having a belt having a length wherein the belt has a plurality of grooves wherein adjacent grooves of the plurality of grooves are spaced at a defined distance between the adjacent grooves along the length. Further, Claim 14 requires a flexible hose which has a length and ribs wherein the ribs encircle the hose along the length and are spaced at a distance equal to the defined distance between the adjacent grooves of the belt.

Mercer merely discloses that "a hose driver, operated by either an electric motor or a crank, for extending the hose out to the appropriate length, or winding it back into its collapsed storage mode inside a cylindrical housing on the RV." Additionally, *Mercer* discloses that "the external surface of the collar 20 defines spaced teeth 30 around its circumference which are engaged by the toothed belt 32, driven by the gear 34 of electric motor 36." Moreover, *Mercer* discloses that "the collar 20 does not ride on roller or ball bearings, but simply slides in its track, being centered by the shoulders it defines at 50."

Nowhere does *Mercer* teach or suggest a housing having an interior defined between a first end and a second end wherein

the hose retracts into the interior of the housing as required by Claim 9. Further, nowhere does Mercer teach or suggest a first end of the hose that is fixed at the first end of the housing wherein the hose retracts into the interior of the housing from the second end as required by Claim 9. On the contrary, Mercer merely discloses that "when the hose is collapsed as indicated in the right side of FIG. 6, it is stowed within a collapsed hose housing 52, and the inner end of the hose is permanently connected to the outlet of the waste holding tank of the recreational vehicle." Further, Mercer discloses that "the entire mechanism, including the housing 52, is mounted to a framework attached to the superstructure of the vehicle."

Nowhere does Mercer teach or suggest a belt which has a plurality of grooves wherein adjacent grooves of the plurality of grooves are spaced at a defined distance between the adjacent grooves along the length as required by Claim 14. Further, nowhere does Mercer teach or suggest a flexible hose which has a length and ribs wherein the ribs encircle the hose along the length and are spaced at a distance equal to the defined distance between the adjacent grooves of the belt as required by Claim 14. Mercer merely discloses that "the inner surface 24 of the collar defines a wide helical groove 26 between the collar's spaced ribs 28, with the ribs in the groove being mated as

indicated in FIG. 6 so that rotation of the collar will move the accordion hose to the left or to the right." Further, Mercer discloses that "the collar 20 does not ride on roller or ball bearings, but simply slides in its track, being centered by the shoulders it defines at 50." Moreover, Mercer discloses that "this driver utilizes a collar around the hose, the interior surface of the collar being configured to engage the helical ribs of the accordion hose so that as the collar rotates in one direction or the other, the hose will extend or retract, respectively."

Under 35 U.S.C. §102(b), anticipation requires that a single reference discloses each and every element of Applicants' claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986).

Moreover, anticipation is not shown even if the differences between the claims and the reference are "insubstantial" and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co.*, 749 F.2d. 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

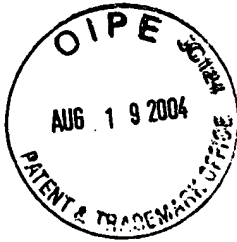
Since Mercer fails to disclose a hose which retracts into the interior of the housing from the second end as required by Claim 9 and a belt having adjacent grooves and a flexible hose

which has ribs that encircle the hose along the length as required by Claim 14, the rejection of Claims 9-15 under 35 U.S.C. §102(b) has been overcome and should be withdrawn. Notice to that effect is requested.

Claims 10-13 depend from independent Claim 9, and Claim 15 depend from independent Claim 14. These claims are further believed allowable over the reference of record for the same reasons set forth with respect to their parent claims since each sets forth additional structural elements of Applicants' apparatus for retracting a hose.

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicants urge the Patent Office to telephone Applicants' attorney so that the same may be resolved and the application expedited to issue. Applicants request the Patent Office to indicate all claims as allowable and to pass the

application to issue.



Respectfully submitted,

(Reg. No. 35,018)

Brian M. Mattson
Patents+TMS
A Professional Corporation
1914 N. Milwaukee Ave.
Chicago, Illinois 60647
Telephone: (773) 772-6009
Attorney for Applicants

CERTIFICATE OF MAILING

I hereby certify that this **Amendment** is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 16, 2004.

Brian M. Mattson (Reg. No. 35,018)